

Application No.: 10/822230

Docket No.: BSZ-050

REMARKS

Claims 37, 53-78, 115-124, 142-152, and 154 were pending. Claim 69 has been amended solely to correct antecedent basis. Accordingly, claims 37, 53-78, 115-124, 142-152, and 154 will remain pending upon entry of the instant amendment.

No new matter has been added. Applicants reserve the option to further prosecute the same or similar claims in the present or another patent application.

The Examiner has indicated that the Applicants response filed December 19, 2005 is not fully responsive to the prior Office Action. Applicants apologize for any confusion.

The Examiner had previously required restriction between the following inventions in the above-identified application:

Group I: Claims 1-36, 79-81, 169-176, 102-105, and 203-211;

Group II: Claims 37, 53-78, 115-124, 142-152, and 154;

Group III: Claims 38-43, 106-110, 155-161 and 164-166; or

Group IV: Claims 44-52, 201 and 202.

Applicants have elected Group II for continued examination, with traverse. Applicants respectfully reiterate their argument that that one-way distinctness has not been established between the listed groups, *e.g.*, between the methods of claims 169-176 and the compositions of claims 115-124, 142-152 and 154.

The Examiner has also required the election of one of each of the following species (1) a cargo moiety and (2) an aggregation inhibitor. Applicants, accordingly, elect (1) Amphotericin B and (2) methylcellulose for searching purposes. It is Applicants' understanding that under 35 U.S.C. §121, because an election of single species for prosecution on the merits is required, the claims will be restricted to this species if no generic claim is finally held allowable. Applicants further understand that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species for all of the above species elections, which are

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written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141 *et seq.*

The Examiner has also required a listing of claims readable on the elected species. Accordingly, Applicants submit that claims 37, 70, 74-75, 115-124, 142-152 and 154 are readable on the elected species.

The Examiner is invited to contact the undersigned with any comments or questions with regard to this Response.

Applicants believe that no fee is due with the present statement. If a fee is due, however, please charge any underpayment and credit any overpayment to our Deposit Account No. 12-0080, under Order No. BSZ-050 from which the undersigned is authorized to draw.

Dated: April 21, 2006

Respectfully submitted,

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